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Attorney Docket No. 4216.260-US

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Royer *et al.*

Serial No.: 09/461,537

Group Art Unit: 1636

Filed: December 15, 1999

Examiner: Marvich, M.

For: Non-Toxic, Non-Toxigenic, Non-Pathogenic *Fusarium* Expression System and Promoters and Terminators for Use Therein

AMENDMENT

Commissioner for Patents
Washington, DC 20231

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Sir:

In response to the Office Action dated April 24, 2002, please amend the above-captioned application as follows:

IN THE CLAIMS

Please cancel claims 23-25 without prejudice or disclaimer. Please add new claims 26-28 as follows:

26. A recombinant host cell having the identifying characteristics of the non-toxic, non-toxigenic, non-pathogenic *Fusarium venenatum* host cell of ATCC 20834, which expresses a heterologous protein, comprising a nucleic acid sequence operably linked to a promoter encoding the heterologous protein.

27. A method for producing a heterologous protein comprising: (a) culturing a non-toxic, non-toxigenic, non-pathogenic *Fusarium venenatum* host cell comprising a nucleic acid sequence operably linked to a promoter encoding the heterologous protein, wherein the host cell has the identifying characteristics of the non-toxic, non-toxigenic, non-pathogenic *Fusarium venenatum* host cell of ATCC 20334; and (b) isolating the heterologous protein.